

May 16, 2005

WILLIAM B PILKEY
7223 20TH AVE SE
OLYMPIA WA 98503

Subject: Complaint filed against Diane Oberquell, Thurston County Commissioner –
PDC Case #05-077

Dear Mr. Pilkey:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint, received September 27, 2004, alleging that Diane Oberquell, a Thurston County Commissioner, used her county e-mail to invite Thurston County employees to join her in the Patriot Parade held in the city of Yelm, on September 11, 2004 in support of her re-election campaign, in violation of RCW 42.17.130.

Your complaint was reviewed in light of the following statute:

RCW 42.17.130 prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition.

You alleged that Diane Oberquell used her county e-mail account to send a message to all Thurston County employees, inviting them to join her in the Patriot Parade, and that she did so to assist her 2004 re-election campaign for Thurston County Commissioner.

We found that:

- In July 2004, Ms. Oberquell was invited to participate in the Patriot Parade to be held on September 11, 2004 in the city of Yelm. The parade was to honor the service of local military personnel, volunteer police and firefighters.
- On July 15, 2004, Ms. Oberquell sent an e-mail from her Thurston County e-mail account to all Thurston County employees, asking if any of the employees were volunteer firefighters, reserve police/sheriff officers or military reserve personnel. She invited any employees who fit this description to join her in the Patriot Parade.

- After receiving an inquiry from a recipient of the e-mail, Deputy Prosecutor Jane Futterman advised Ms. Oberquell to clarify the intent of her first e-mail. Later that same day, Ms. Oberquell sent a second e-mail stating that her involvement in the Patriot Parade was not campaign related.
- Over the years, Ms. Oberquell has participated in numerous parades throughout Thurston County as an elected official, including parades in Rochester, Tenino, Yelm, Rainier, Olympia and Tumwater. Ms. Oberquell's participation in parades and other community events has occurred in both election and non-election years. At these events, she displays a banner that states her full name and title as an elected official.
- Ms. Oberquell stated that she believed the Patriot Parade in Yelm would be an appropriate time to honor Thurston County employees who serve in the military reserves or are voluntary firefighters or law enforcement volunteers. She invited county employees to participate in the parade as a way of recognizing their service and not to assist her re-election effort.
- Ms. Oberquell used the same banner in the Yelm Patriot Parade that she has used in other parades. The banner did not include language normally contained in political advertisements such as "vote for" or "re-elect" nor did it include partisan affiliation or sponsor identification.

Ms. Oberquell was invited as an elected Thurston County Commissioner to participate in the Patriot Parade. No evidence was provided or found that Ms. Oberquell's participation or parade invitation to employees was campaign related.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Diane Oberquell.

If you have questions, please feel free to contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

C: Diane Oberquell